

1 WRIGHT, FINLAY & ZAK, LLP
2 Robert A Riether, Esq.
3 Nevada Bar No. 12076
4 Rock K. Jung, Esq.
5 Nevada Bar No. 10906
6 7785 W. Sahara Ave., Suite 200
7 Las Vegas, NV 89117
8 (702) 475-7964; Fax: (702) 946-1345
9 rjung@wrightlegal.net

10 *Attorneys for Plaintiff, Deutsche Bank National Trust Company, as Trustee for Ameriquest*
11 *Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R10*

12 **UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 DEUTSCHE BANK NATIONAL TRUST
15 COMPANY, AS TRUSTEE FOR
16 AMERIQUEST MORTGAGE SECURITIES
17 INC., ASSET-BACKED PASS-THROUGH
18 CERTIFICATES, SERIES 2005-R10,

19 Plaintiff,

20 vs.

21 SFR INVESTMENTS POOL 1, LLC;
22 NORTHBROOK HOMEOWNERS
23 ASSOCIATION, INC.; and HOMEOWNER
24 ASSOCIATION SERVICES, INC.,

25 Defendants.

26 SFR INVESTMENTS POOL 1, LLC,

27 Counter/Cross Claimant,

28 vs.

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR
AMERIQUEST MORTGAGE SECURITIES
INC., ASSET-BACKED PASS-THROUGH
CERTIFICATES, SERIES 2005-R10.; JESSE
DAHILIG, an individual; LORRAINE
DAHILIG, an individual,

Case No.: 2:17-cv-00457-KJD-GWF

**STIPULATION AND ORDER TO
DISMISS REMAINING UNJUST
ENRICHMENT CLAIM**

Counter/Cross Defendants.

**STIPULATION AND ORDER TO DISMISS REMAINING
UNJUST ENRICHMENT CLAIM**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff/Counter-Defendant, Plaintiff, Deutsche Bank National Trust Company, as Trustee for Ameriquest Mortgage Securities Inc., Asset-Backed Pass-Through Certificates, Series 2005-R10 (“Plaintiff”), through its counsel of record, Robert A. Riether, Esq. and Rock K. Jung, Esq., of the law firm Wright, Finlay & Zak, LLP; and Defendant/Counter-Claimant, SFR Investments Pool 1, LLC (hereinafter “SFR”), by and through its counsel of record, Diana S. Ebron, Esq., of Kim Gilbert Ebron (collectively, the “Parties”), for dismissal of Plaintiff’s Claim for Unjust Enrichment action as follows:

WHEREAS:

1. The real property which is the subject of this suit is commonly known as 4401 Sparkle Crest Avenue, North Las Vegas, Nevada 89031; APN 124-31-110-026 (“Property”) and is part of the Northbrook Homeowners Association, Inc. (“HOA”);

2. On February 10, 2017, Plaintiff filed a Complaint for Quiet Title against SFR, HOA, and Homeowner Association Services, Inc. [ECF No. 1];

3. On February 28, 2017, Plaintiff filed its First Amended Complaint against the same defendants [ECF No. 5];

4. On April 17, 2017, SFR filed its Answer to the Complaint, its Counterclaim and Cross-Claim [ECF No. 14];

5. HOA, Plaintiff, and SFR filed competing Renewed Motions for Summary Judgment [ECF Nos. 61, 66, and 67, respectively];

6. On September 10, 2019, the Court entered its Order [ECF No. 86] granting Northbrook Homeowners Association’s Renewed Motion for Summary Judgment [ECF No. 61], denying Deutsche Bank’s Renewed Motion for Summary Judgment [ECF No. 66], and granting SFR’s Renewed Motion for Summary Judgment [ECF No. 67] in part and denying it in

part. The Court granted summary judgment in favor of SFR on each of Plaintiff's claims except as to Deutsche Bank's unjust enrichment claim;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that the sole remaining claim in Plaintiff's Amended Complaint, the Fifth Cause of Action against SFR for unjust enrichment, shall be dismissed in its entirety *with prejudice*, with each side bearing their own attorneys fees and costs.

IT IS FURTHER STIPULATED AND AGREED that nothing in this Stipulation and Order is intended to be, or will be, construed as an admission of the claims or defenses of the Parties.

IT IS SO STIPULATED.

Dated this 8th day of November, 2019.

WRIGHT, FINLAY & ZAK, LLP

KIM GILBERT EBRON

/s/ Rock K. Jung

Robert A Riether, Esq.
Nevada Bar No. 12076
Rock K. Jung, Esq.
Nevada Bar No. 10906
7785 W. Sahara Ave., Suite 200
Las Vegas, NV 89117
*Attorneys for Plaintiff, Deutsche Bank
National Trust Company, as Trustee for
Ameriquest Mortgage Securities Inc., Asset-
Backed Pass-Through Certificates, Series
2005-R10*

/s/ Karen L. Hanks

Diana S. Ebron, Esq.
Nevada Bar. No. 10580
Jacqueline A. Gilbert, Esq.
Nevada Bar No. 10593
Karen L. Hanks, Esq.
Nevada Bar No. 9578
7625 Dean Martin Drive, Suite 110
Las Vegas, NV 89139
Attorneys for SFR Investments Pool 1, LLC

IT IS SO ORDERED:



UNITED STATES DISTRICT COURT JUDGE

DATED: November 8, 2019